

BOARD OF MEDICAL EXAMINERS, STATE OF CALIFORNIA

(Reported by C. B. Pinkham, Secretary)

"John of God": We have had many complaints against Juan de Dios Garay ("John of God") and have spent considerable time within the past two years trying to put him out of business. It has been almost impossible to convict him of violation of the State Medical Practice Act.

At each time I went through Garay's office with a search warrant, I found thousands of letters—letters from sick or afflicted; letters from the lonely or lovesick; letters from those who sought his occult powers for almost everything imaginable—and in each case carbon copies of his replies, showing him to be an artist in the art of extracting money from the credulous.

In one case a Mexican boy from Fresno sent \$50 to gain the love of a 13-year-old Mexican girl, and "Juan de Dios" sent him a package of white powders with instructions to divide them into 14 equal parts and to burn one of such parts each night between 11 and 12 o'clock.

To some he sent bottles of his "Aztec Treatment," a concoction of herbs. He even had made some plaster medallions bearing a likeness of himself, which he sold to patients. Some of his patients regard him almost as a god.

Enclosed is a clipping from the Los Angeles Examiner of December 16, 1923, regarding the arrest of Garay by postoffice inspectors on a charge of using the mails to defraud. I furnished the postoffice inspectors with copies of circular letters mentioned in the clipping, and gave them sufficient information to secure his indictment by the United States Grand Jury, and I trust that this will be the "finish" of "John of God."

In commenting upon the above abstract of a report of the board's special agent, Doctor Pinkham says: "The enclosed letter shows the legal difficulties we experience in trying to prosecute 'fakirs' and 'quacks.' You will note that our special agent reports no success in prosecutions in local police courts, and it was not until the postoffice inspectors took action that we were able to accomplish anything."

The Los Angeles Examiner of December 16, 1923, in printing an article relating to the arrest of Juan de Dios ("John of God") Garay stated that "Authorities state that Garay has obtained more than \$300,000 from ignorant Mexicans and negroes during the past ten years in his operations in Los Angeles."

Letter Explaining Osteopathic Initiative—Under the provisions of the Osteopathic Initiative passed by the people of the State of California at the November, 1922, election, the Board of Osteopathic Examiners is given sole jurisdiction over graduates of osteopathic schools, and is empowered to carry out all the provisions of the Medical Practice Act in the instance of graduates of chiropractic schools. This means that the board of osteopathic examiners can license graduates of osteopathic schools as either drugless practitioners or physicians and surgeons; can collect the annual tax from all such individuals and otherwise perform the functions provided under the Medical Practice Act.

According to the 1923 directory published by the Osteopathic Board, Harold L. Jason holds a physician and surgeon certificate, which entitles him to unlimited practice in the State of California.

Naturopathy Legally Defined—Herewith we submit a copy of a communication from our chief counsel, Adolphus B. Bianchi, relative to a court decision establishing the limitation of the certificate to practice naturopathy, which many of the readers of the

Journal know was validated in the State of California by special act of the Legislature in the year 1909, the enactment demanding that the Board of Medical Examiners endorse all certificates issued by the Naturopathic Association of the State of California that were presented to said Board within a certain period.

The Legislature failed to define what naturopathy was nor did the Legislature require that the holders of said certificate file with the Board of Medical Examiners any evidence of professional education.

For many years the holders of these validated naturopathic certificates have considered themselves as physicians and surgeons until the courts decided their limitation, stated by Chief Counsel Bianchi as follows:

"The recent appellate decision in the matter of Millsap vs. Alderson, et al, 42 Cal. App. Dec. 29, removes all the clouds from this situation. A naturopath is not a physician and surgeon, and under the license issued to him as such naturopath by the State Board of Medical Examiners, he cannot perform surgery. He is not authorized to practice medicine and surgery as a physician and surgeon so licensed by the Board may practice.

The decision further restricts the practice of any naturopath. "Therefore, the substance employed by one practicing naturopathy in the treatment of the sick and afflicted would be light, air, water, etc., and a naturopath, or a doctor of naturopathy, would be a person who holds an unrevoked certificate from the Board of Medical Examiners authorizing him to treat the sick and afflicted by the use of the substances above enumerated." That is to say, the substance enumerated in other parts of the decision as being contained and set forth in the Articles of Incorporation of the Association of Naturopaths of the State of California. The Gerber decision is no longer applicable. A naturopath is not entitled to hold himself out or designate himself or practice as a physician and surgeon."

Naturopathic Licentiate of the State of California—Attention of physicians is drawn to a decision, Civil No. 3951, Second Appellate District, Division No. 1, rendered August 25, 1923, in the case of Roy Millsap, petitioner and respondent, vs. Harry E. Alderson et al., constituting the Board of Medical Examiners, wherein the court holds that a naturopath is not a physician and surgeon, and the certificate to practice naturopathy does not constitute the right to practice medicine and surgery. Roy Millsap appealed to the Supreme Court for a rehearing, which was denied on October 23, 1923, hence the opinion above referred to is now the law in the State of California, and we are drawing it to your attention in order that you may be guided thereby.

United States Marine Hospitals Crowded—"Owing to the increased amount of shipping on the Pacific Coast, the Marine hospitals at San Francisco and Port Townsend, operated by the United States Public Health Service, are now overcrowded," Surgeon-General Hugh S. Cumming announced today. So great has been the influx of patients, due to the increased activity in American shipping in San Francisco, that the Public Health Service has found it necessary to place many patients in contract hospitals. To increase the capacity at San Francisco, the service now plans to remove attendants from their quarters to furnished lodgings in the downtown section of the city. By doing this, thirty-eight beds will be added to the capacity of this hospital. Surgeon-General Cumming also announced that "plans for the enlargement of the Marine hospital at San Francisco and for a new Marine hospital to be constructed at Seattle, Wash., are now receiving serious consideration, but that appropriations for these projects will be necessary before they can be undertaken."